

## REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed August 9, 2007.

Currently, claims 1-57 are pending. Claims 1, 26, 33, 42, 46, 47, 52, and 53 have been amended. New claims 54-57 have been added. Applicants respectfully request reconsideration of claims 1-57.

### I. Rejection of Claims 1 and 33 Under 35 U.S.C. §101

Claims 1 and 33 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Namely, the Examiner argues that the claims are directed to software. Applicants respectfully disagree with the Examiner's arguments and assert that the claims are directed to a process which falls within the categories of statutory subject matter.

The Examiner argues that claims 1 and 33 are directed to software, *per se*, lacking any hardware to enable any functionality to be realized. Applicants respectfully disagree with this argument because the claims are directed to a "**method for managing** (software) applications." A method performing steps that change data is still a patentable method if it produces a useful, concrete, and tangible result. See *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352 (Fed. Cir. 1999), where the court held that a claim to a process using a mathematical algorithm is not a claim to the mathematical algorithm itself and that the claim is a patentable process if the process produces a tangible result.

Claims 1 and 33 are not directed to software, *per se*, as suggested by the Examiner. Instead, the claims are directed to a "**method for managing** (software) applications." Even if the steps of the claimed method were performed through the use of software, the claims would not be directed to the software itself and would instead be directed to the "method for managing." Therefore, claims 1 and 33 are not directed to software, but are instead directed to a patentable method.

Furthermore, claims 1 and 33 claim methods that "[change] a display of... software program application[s]," where the display is automatically changed "in response to said changing of said display of said first software program application." The method step of

“automatically changing a display of said second software program application in response to said changing of said display of said first software program application” produces a tangible result (i.e. the changed display). Therefore, claims 1 and 33 are directed to patentable subject matter because the claimed method produces a useful, concrete, and tangible result when the method steps are performed.

Because these method claims produce a changed display as a result of the method steps (i.e. a tangible result), Applicants respectfully assert that claims 1 and 33 are directed to patentable subject matter. Applicants respectfully request reconsideration of these claims.

## II. Rejection of Claims 1-53 Under 35 U.S.C. §102(e)

Claims 1-53 have been rejected under 35 U.S.C. §102(e) as being anticipated by Taylor (U.S. 7,013,431). Because Taylor does not disclose all of the limitations of claims 1-53, Applicants assert that the claims are patentable over the cited prior art.

Claim 1 is not anticipated by Taylor because Taylor does not disclose “displaying a set of software program applications within a web browser.” Instead, Taylor discloses an end user interface (EUI) that allows resizing and re-positioning of windows within the EUI. The Examiner argues that because Taylor discloses that the EUI could be implemented on a client device coupled to a server through a network, the “web browser” limitation of claim 1 is disclosed. Applicants respectfully disagree because Taylor does not disclose that the EUI is a “web browser.” Instead, the client-server EUI implementation disclosed in Taylor simply allows the re-sizing and re-positioning functions of the EUI to be implemented on a client device through an “implementor [that] may be executing on server 1906” (Taylor col. 16, lines 54-55 and Figure 19). However, no where does Taylor disclose that the EUI is a “web browser.” Therefore, claim 1 is not anticipated by Taylor. Claims 2-32 and 47-52 each contain a similar feature and are patentable over Taylor for at least the same reasons as claim 1.

Furthermore, claim 33 is not anticipated by Taylor because Taylor does not disclose “automatically changing said one or more displays... including automatically changing how interactive webpage content for said one or more other software program applications is displayed.” Taylor discloses that the windows display “television programming” or

“programming delivered from various recorded media players, such as VCR tape players, CDROM or DVD players” (col.1, lines 42-47). Even assuming these windows were “software program applications,” Taylor does not disclose that “interactive webpage content for said one or more other software program applications” is automatically changed because Taylor does not disclose that these windows contain “interactive webpage content.” Therefore, claim 33 is not anticipated by Taylor. Claims 33-46 and 53 each contain a similar feature and are patentable over Taylor for at least the same reasons as claim 33.

Because Taylor does not disclose all of the features recited in claims 1-53, the reference does not anticipate the claims. Applicants respectfully request reconsideration of claims 1-53.

New claims 54-57 are distinguishable over the cited prior art for at least the same reasons discussed above. Consideration of these claims is respectfully requested.

Based on the above amendments and these remarks, reconsideration of claims 1-57 is respectfully requested.

The Examiner’s prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 2007-10-24 By: /Michelle Esteban/  
Michelle Esteban  
Reg. No. 59,880

VIERRA MAGEN MARCUS & DENIRO LLP  
575 Market Street, Suite 2500  
San Francisco, California 94105-4206  
Telephone: (415) 369-9660  
Facsimile: (415) 369-9665